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ATTENTION OF U.S. PATENT & TRADEMARK OFFICE

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FROM David J. Rikkers

DIRECT DIAL 617.856.8382

C/M/A 21548/5 / 2581

MESSAGE

RE: ATTY. DOCKET NO. 21548/005 - U.S. SERIAL NO. 10/772,073

ATTACHED PLEASE FIND COPY OF PETITION TO WITHDRAW THE HOLDING OF
ABANDONMENT UNDER 37 CFR 1.181(A) WHICH WAS FILED BY FAX ON FEBRUARY 15, 2005.
PLEASE SEE FAX CONFIRMATION ATTACHED HEREWITH. THANK YOU.

1329629 v1 - 021548/0005

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TELEPHONE NUMBER

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DIRECT DIAL 617.856.8382

C/M/A 21548/5 / 2581

MESSAGE

RE: ATTY. DOCKET NO. 21548/005 - U.S. SERIAL NO. 10/772,073

ATTACHED PLEASE FIND: PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT UNDER
37 CFR 1.181(A).

FEB 23 2005

Docket No. 21548/5 (DGP-005)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Reynolds E. Moulton, III Conf. No.: 4526
Application No.: 10/772,073 Group Art Unit: 3643
Filed: February 4, 2004 Examiner: Not yet Assigned
For: SELF-PROPELLED PET TOY

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT
UNDER 37 CFR 1.181(A)

CERTIFICATE OF FACSIMILE

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by Facsimile to: 1-703-308-7751, OIPE Customer Service, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

By:

Karen L. Corey

February 15, 2005

Date

OIPE Customer Service
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant received a Notice of Abandonment under 37 CFR 1.53(f) or (g) stating that the above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts mailed on 5/10/04. In response to the Notice of Abandonment, Applicant hereby submits a Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181(a).

In support of this Petition, Applicant submits the following as proof that a Response to the Notice to File Missing Parts was timely filed on June 3, 2004:

1. Copy of Notice of Abandonment Under 37 CFR 1.53(f) or (g) (2 pp.);
2. Auto-Reply Facsimile Transmission received from the U.S. Patent & Trademark Office dated June 3, 2004 acknowledging receipt of 11 pages of Response to Notice to File Missing Parts (1 pg.);

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Group Art Unit: 3643
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3. Copy of Lahive & Cockfield outgoing Fax Confirmation indicating that 11 pages were transmitted to the U.S. Patent and Trademark Office on June 3, 2004;
4. Response to Notice to File Missing Parts, as filed on June 3, 2004 (11 pp.); and
5. Copy of Revocation of Power of Attorney filed on October 12, 2004 (3 pp.).

To ensure that the Examiner has a complete file at the time of action on this case, Applicant also notes that subsequent to the timely-filed Response to Missing Parts, Applicant filed a Revocation of Previous Power of Attorney and a Change of Correspondence Address on October 12, 2004, an Information Disclosure Statement on December 10, 2004, and a Preliminary Amendment on January 21, 2005.

Applicant respectfully requests that the Commissioner consider the present petition which is submitted in order to withdraw the holding of abandonment. No fees are believed to be due, however, please charge Deposit Account No. 500369 for any fee necessary.

Respectfully submitted,

Brown Rudnick Berlack Israels LLP



Date: February 15, 2005

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